

101 706 607

c of c



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 26.2.C47/USA

In re Patent of:)
Walter J. Petersen et al.)
Patent No. 7,096,969)
Issued Aug. 29, 2006)
For WALK AERATOR WITH)
INBOARD WHEELS)

Certificate
OCT 05 2006
of Correction

REQUEST FOR CERTIFICATE OF CORRECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.322 and/or 1.323, The Toro Company, the assignee of the entire right, title and interest in and to the above-identified United States Letters Patent, hereby requests that the attached Certificate of Correction be issued relating to this Patent.

The Certificate of Correction corrects an error in the Identification of the Inventors. The names of two inventors were erroneously included on the face of the patent when the patent was printed.

On July 13, 2005, during the prosecution of the application that matured into the above-identified patent, a

OCT 10 2006

Request was made to delete Walter J. Petersen and Michael J. Gilberg as inventors. **The Examiner granted this request and indicated that Mssrs. Petersen and Gilberg would be deleted as inventors.** A copy of the Examiner's decision granting this request, which appears on page 2 of the Communication dated July 20, 2006, is attached.

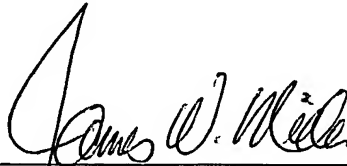
However, as is clear from reviewing the face sheet of the patent, Mssrs. Petersen and Gilberg are still incorrectly listed as joint inventors. Their names should have been deleted pursuant to the Examiner's decision.

The duplicate occurrence of the word "the" in claim 1, i.e. the phrase "the the aerating mechanism" in limitation (c) of claim 1 is obviously wrong. Only a single "the" should have appeared. The phrase should simply have read "the aerating mechanism". Thus, the requested change to Col. 11 removes the duplicate recitation of the word "the" from claim 1.

In addition, a typographical/grammatical error on the part of the Applicant occurred in claim 2. The plural tense of the verb "are" is wrong. The phrase now reads "a pair....are". The verb tense should have been the singular "is" to agree with the singular recitation of "a pair". The phrase should have read "a pair...is". Thus, the requested change to Col. 12 changes the verb tense from the incorrect plural "are" to the grammatically correct singular "is".

Accordingly, the attached Certificate of Correction should be issued by the Patent and Trademark Office. Please charge any fees that may be due for such Certificate of Correction to Deposit Account No. 20-1315 of The Toro Company.

Respectfully submitted,



September 30, 2006

James W. Miller
Registration No. 27,661
Suite 1960 Rand Tower
527 Marquette Avenue South
Minneapolis, MN 55412
Telephone (612) 338-5915

OCT 10 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,607	11/12/2003	Walter J. Petersen	26.2.C47/USA	5867

61145 7590 07/20/2006

JAMES W. MILLER, ATTORNEY
527 MARQUETTE AVENUE
SUITE 1960, RAND TOWER
MINNEAPOLIS, MN 55402



EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
----------	--------------

3641

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

OCT 10 2006

Inventorship

In view of the papers filed May 19, 2006, the inventorship in this nonprovisional application has been changed by the deletion of Walter J. Petersen and Michael J. Gilberg.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on May 19, 2006 was filed after the mailing date of the Notice of Allowance on February 23, 2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

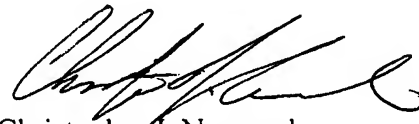
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached at 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

571 0 2006

Art Unit: 3641

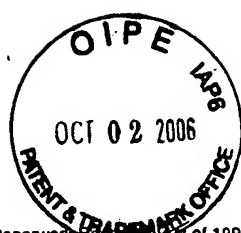
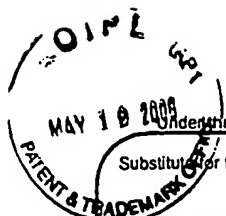
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Christopher J. Novosad
Primary Examiner
Art Unit 3641

July 18, 2006

OCT 10 2006



PTO/SB/088 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number 10/706,607

Filing Date 11/12/2003

First Named Inventor Walter J. Petersen

Art Unit 3641

Examiner Name C. Novosad

Sheet

1

of

1

Attorney Docket Number 26.2.C47/USA

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Verti-Drain Model 001.060 Brochure (undated but admitted prior art)	
CJN		User's Manual for Verti-Drain Model 001.060 (undated but admitted prior art)	
CJN		Pg. 431 Back Roller Parts Illustration for Verti-Drain Model 001.060 (undated but admitted prior art)	

Examiner
Signature

/Christopher Novosad/

Date
Considered

07/18/2006

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

OCT 10 2006

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,096,969 B2

APPLICATION NO.: 10/706,607

ISSUE DATE : Aug. 29, 2006

INVENTOR(S) : Walter J. Petersen et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page,

Item [75], Inventors, delete "Walter J. Petersen, Eden Prairie, MN (US);" and delete "Michael J. Gilberg, Mendota Heights, MN (US)"

Col. 11, Line 59, change "the the" to --the--;

Col. 12, Line 8, change "are" to --is--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

James W. Miller
527 Marquette Ave., Suite 1960
Minneapolis, MN 55402

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

OCT 10 2005